IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.880 of 2007 vs
USHA DEVI
THE STATE OF BIHAR & ORS

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3 17.10.2008. Heard learned counsel for the parties.

The petitioner has come to this court for quashing the Complaint case no. 809C of 2007 filed by the father of the deceased before the CJM, Biharsharaif on 4.7.2007. He further prays for quashing of the F.I.R. of Sare PS case no. 2 of 2007 filed by the mother of the deceased for the same occurrence.

Initially father of the victim filed a complaint being complaint case no. 809C of 2007 under section 304B of the I.P.C. against accused persons, subsequently on 29.6..2007 one Jauta Devi, mother of the deceased Nilam Kumari gave statement to the police giving rise to registration of Sare P.S.Case No. 2 of 2007 on 10.7.2007 in respect of same offence. It further appears that in the meantime learned Magistrate also forwarded the case to the police station under section 156(3) of the Cr.P.C. As the police case had already lodged FIR on the basis of fard beyan of the mother of the victim, police rightly did not register any separate case for the same offence.

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It is submitted by the petitioner that the statement of parents of the deceased are at variance with each other.

It appears from the materials on record that the charge sheet has been submitted and cognizance of the offence has already been taken.

The writ petition is disposed of with observation that it will be open to the petitioner to raise his points at the time of framing of charges.

Shashi. **(S.P.Singh,J)**